

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

D. McDougald, et al., )  
Plaintiffs, )  
v. )  
Jeffrey Beard, et al., )  
Defendants. )  
Civil Action No. 08-308 Erie

## **MEMORANDUM ORDER**

Plaintiff's civil rights complaint was received by the Clerk of Court on November 6, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [14], filed on June 11, 2009, recommends that Plaintiff D. McDougald be dismissed from this case due to his failure to prosecute. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail to SCI Forest, where he is incarcerated. To date, no objections have been filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 13<sup>th</sup> day of July, 2009;

IT IS ORDERED that Plaintiff D. McDougald be, and hereby is, DISMISSED from this case due to his failure to prosecute. As a result, the only remaining Plaintiffs in this civil action are Kareem Henderson and Demetrius Bailey. Consistent with the foregoing, the Clerk is hereby directed to amend the case caption to reflect "Kareem Henderson" as the lead Plaintiff in this case.

The Report and Recommendation of Magistrate Judge Baxter [14], dated June 11, 2009, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN

Sean J. McLaughlin  
United States District Judge

cc: all parties of record  
U.S. Magistrate Judge Baxter